

**REMARKS**

In the final Office Action, the Examiner rejects claims 1, 11-14, 16-21, and 23-30 under 35 U.S.C. § 103(a) as unpatentable over SRINIVASAN et al. (U.S. Patent Application Publication No. 2002/0042738) in view of MASON et al. (U.S. Patent Application Publication No. 2002/0161648); and rejects claims 2-10, 15, 22, and 31 under 35 U.S.C. § 103(a) as allegedly unpatentable over SRINIVASAN et al. in view of MASON et al., further in view of MESSER (U.S. Patent Application Publication No. 2004/0254813), and still further in view of ISHIKAWA (U.S. Patent Application Publication No. 2001/0037314). Applicants respectfully traverse these rejections.<sup>1</sup>

By way of the present amendment, Applicants amend claims 1-12, 14, 16-21, 24-26, and 29-31 to improve form and not to overcome the references of record. Applicants also add new claims 32-43. No new matter has been added by way of the present amendment. Claims 1-43 are pending.

*Rejection under 35 U.S.C. § 103(a) based on SRINIVASAN et al. and MASON et al.*

Claims 1, 11-14, 16-21, and 23-30 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over SRINIVASAN et al. in view of MASON et al. Applicants respectfully traverse this rejection.

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<sup>1</sup> As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, reasons to modify a reference and/or to combine references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future.

Independent claim 1, as amended, is directed to a method that includes collecting information associated with a group of users visiting a web site; identifying non-malicious users visiting the web site from the group of users visiting the web site based on the collected information; and determining an occurrence of spamming on the web site based at least in part on a behavior of the identified non-malicious users. SRINIVASAN et al. and MASON et al., whether taken alone or in any reasonable combination, do not disclose or suggest this combination of features.

For example, SRINIVASAN et al. and MASON et al. do not disclose or suggest determining an occurrence of spamming on a web site based at least in part on a behavior of identified non-malicious users visiting the web site. The Examiner admits that SRINIVASAN et al. does not disclose determining an occurrence of spamming on a web site and relies on paragraph 0029 of MASON et al. as allegedly disclosing this feature (final Office Action, pp. 2-3). Applicants respectfully submit that neither this section nor any other section of MASON et al. discloses or suggests the above feature of independent claim 1, as amended.

At paragraph 0029, MASON et al. discloses:

With reference to the two columns on the left side of the drawing, a statistical analysis package monitors and reports the total amount of viewer traffic that an online newspaper website receives. The present invention provides the ability to monitor the success of particular advertising campaign in real time and facilitates the modification of an advertising campaign either automatically or with user intervention. For example, an advertising campaign can start with three different original ads which are reconfigured and then placed on a wide number of websites. By monitoring the number of click-throughs on each of the ads, a more successful derivative advertisement link, i.e., one which receives a greater number of click-throughs, can be substituted for the less successful banners. The computing devices which are used to run and monitor the

methods of the present invention can be automatically programmed to substitute a more successful banner for a less successful banner according to one or more pre-determined criteria, e.g., if the number of click-throughs is different by a pre-determined percentage. For example, if the derivative advertisement links from one original ad are receiving 20% more click-throughs than the derivative advertisement links created from a second original ad, then some or all of the placements of the second original ad can be automatically replaced by the more successful ad. Alternatively, other criteria and parameters used in tailoring an advertising campaign can also be adjusted during the campaign automatically or using user intervention. For example, if it is found that a soup advertisement is receiving more click-throughs in the late afternoon and ads for a financial services firm are receiving more click-throughs early in the morning, then the placement of those particular ads can be modified in order to maximize the number of click-throughs for the advertisers. The present invention provides statistics on each derivative advertisement link, each URL and can combine and provide cumulative statistics. The statistics provided preferably comprise at least the number of hits per image per online newspaper website and the number of click-throughs per image per newspaper website.

This section of MASON et al. discloses that computing devices can substitute a more successful advertising banner for a less successful advertising banner according to one or more predetermined criteria, such as the number of click-throughs. This section of MASON et al. does not disclose or suggest determining an occurrence of spamming on a web site based at least in part on a behavior of identified non-malicious users visiting the web site, as recited in claim 1, as amended. In fact, this section of MASON et al. in no way relates to determining an occurrence of spamming on a web site.

Applicants note that MASON et al. is directed to a system that allows for online advertisements to be tracked, audited, and/or modified at any time during an advertising campaign (Abstract). MASON et al. discloses the ability to determine the total number of times that a derivative advertisement is accessed by an online accessing device to give an advertiser a true representation of the success of an advertising campaign and to

discourage potential fraudulent practices (paragraph 0022). MASON et al. does not disclose or suggest, however, determining an occurrence of spamming on a web site based at least in part a behavior of identified non-malicious users visiting the web site, as recited in claim 1, as amended.

Further with respect to claim 1, the Examiner alleges with respect to MASON et al.:

The computing devices which are used to run and monitor the methods can be automatically programmed to substitute a more successful banner for a less successful banner (spammed banner) according to one or more pre-determined criteria, e.g., if the number of click-through is different by a per-determined percentage – [0029]

(final Office Action, p. 3). Applicants disagree.

Applicants submit that the Examiner's apparent interpretation of the term "spamming" is incorrect. A spammed advertisement is not equivalent to an advertisement that receives a lesser number of clicks, as the Examiner appears to allege. Instead, as used in Applicants' specification and is commonly known in the art, spamming relates to actions performed by malicious individuals (including bots) to inflate, for example, an advertisement's click count (see, for example, paragraph 0007 of Applicants' specification). The Examiner's apparent interpretation of the term "spamming" is incorrect and inconsistent with Applicants' use of the term and the known meaning of the term in the art. If the Examiner maintains this position, Applicants respectfully request that the Examiner point to the authority that permits the Examiner to create a new definition for a term that is completely contrary to the customary definition of the term and Applicants' use of the term.

Further with respect to claim 1, the Examiner also alleges that the term spamming is equivalent to deleting (final Office Action, p. 18). Applicants submit that not only is this alternative interpretation of the term spamming inconsistent with the Examiner's own interpretation of this same term, as set forth above, but this interpretation of the term "spamming" is also inconsistent with Applicants' use of the term and the known meaning of the term in the art. Applicants submit that "spamming," as that term would be understood by one skilled in the art at the time of Applicants' invention, is not equivalent to deleting, as the Examiner alleges. Applicants submit that the Examiner's attempt at reconstructing the above feature of claim 1 is clearly unreasonable. Again, if the Examiner maintains this position, Applicants respectfully request that the Examiner point to the authority that permits the Examiner to create a new definition for a term that is completely contrary to the customary definition of the term and Applicants' use of the term. Absent such authority, the rejection of claim 1 based on SRINIVASAN et al. and MASON et al. must be withdrawn.

Applicants submit that MASON et al. does not disclose or suggest determining an occurrence of spamming on a web site based at least in part on a behavior of identified non-malicious users visiting the web site, as recited in claim 1, as amended.

For at least the foregoing reasons, Applicants submit that claim 1 is patentable over SRINIVASAN et al. and MASON et al., whether taken alone or in any reasonable combination. Thus, Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. § 103(a) based on SRINIVASAN et al. and MASON et al. be reconsidered and withdrawn.

Claims 11-14 depend from claim 1. Therefore, these claims are patentable over SRINIVASAN et al. and MASON et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Moreover, these claims recite additional features not disclosed or suggested by SRINIVASAN et al. and MASON et al.

For example, claim 12, as amended, recites that the web site includes at least one advertisement, and where the determining an occurrence of spamming includes determining a click rate of the at least one advertisement for the identified non-malicious users, and determining that the at least one advertisement has been spammed when the click rate of users in the group of users visiting the web site exceeds the determined click rate for the identified non-malicious users. SRINIVASAN et al. and MASON et al., whether taken alone or in any reasonable combination, do not disclose or suggest this combination of features.

For example, SRINIVASAN et al. and MASON et al. do not disclose or suggest determining that the at least one advertisement has been spammed when the click rate of users in the group of users visiting the web site exceeds the determined click rate for the identified non-malicious users. The Examiner relies on SRINIVASAN et al.'s minimum effectiveness threshold in Table 1 as allegedly corresponding to this feature of claim 12 (final Office Action, p. 4). Applicants respectfully disagree with the Examiner's interpretation of SRINIVASAN et al.

Table 1 of SRINIVASAN et al. includes the results of a first iteration of an experiment that was conducted (paragraph 0116). While this table includes a click rate

percentage for different advertisements, this table of SRINIVASAN et al. in no way discloses or suggests determining that the at least one advertisement has been spammed when the click rate of users in the group of users visiting the web site exceeds the determined click rate for the identified non-malicious users, as recited in claim 12, as amended. In fact, the entire SRINIVASAN et al. disclosure does not relate to determining spamming of advertisements.

The disclosure of MASON et al. does not remedy the above deficiency in the disclosure of SRINIVASAN et al.

In response to the above arguments, the Examiner alleges:

SRINIVASAN et al. discloses a system uses one or more objective functions for determining advertising effectiveness where the objective function may be to maximize the click-through rate. As it is explained, a manager for the Internet merchant estimates that 100,000 people visit the website in a day. This estimate may be made used internal data or from historical data. Therefore, of the 100,000 visitors that visit the website, the dynamic sampling engine will randomly pick out 20,000 to receive each of the stock ads in this example, as there is no prior knowledge about the effectiveness of the ads and every ad met the minimum threshold and where it's obvious that every ad will met maximum threshold (here same as click-rate) as well

(final Office Action, p. 19). Applicants submit that these allegations by the Examiner, regarding alleged teachings of SRINIVASAN et al., do not address Applicants' arguments presented above with respect to claim 12 or even relate to the above feature of claim 12.

SRINIVASAN et al. and MASON et al., whether taken alone or in any reasonable combination, do not disclose or suggest determining that the at least one advertisement has been spammed when the click rate of users in the group of users visiting the web site

exceeds the determined click rate for the identified non-malicious users, as recited in claim 12, as amended.

For at least these additional reasons, Applicants submit that claim 12 is patentable over SRINIVASAN et al. and MASON et al., whether taken alone or in any reasonable combination. Thus, Applicants respectfully request that the rejection of claim 12 under 35 U.S.C. § 103(a) based on SRINIVASAN et al. and MASON et al. be reconsidered and withdrawn.

Claim 14, as amended, recites that the web site includes at least one advertisement. Claim 14 further recites that the identifying non-malicious users visiting a web site includes determining a percentage of users in the group of users visiting the web site in a time period that are non-malicious users, and where the determining an occurrence of spamming includes estimating a percentage of non-malicious users selecting the at least one advertisement during the time period to be approximately the percentage of non-malicious users visiting the web site during the time period, and determining that the at least one advertisement has been spammed when an actual percentage of non-malicious users selecting the at least one advertisement during the time period is lower than the estimated percentage of non-malicious users selecting the at least one advertisement during the time period. SRINIVASAN et al. and MASON et al., whether taken alone or in any reasonable combination, do not disclose or suggest this combination of features.

For example, SRINIVASAN et al. and MASON et al. do not disclose or suggest determining that the at least one advertisement has been spammed when an actual



percentage of non-malicious users selecting the at least one advertisement during the time period is lower than the estimated percentage of non-malicious users selecting the at least one advertisement during the time period. The Examiner appears to rely on Table 1 of SRINIVASAN et al. and paragraph 0029 of MASON et al. for as allegedly disclosing the above feature of claim 14 (final Office Action, p. 5). Applicants respectfully disagree with the Examiner's interpretation of SRINIVASAN et al. and MASON et al.

Table 1 of SRINIVASAN et al. includes the results of a first iteration of an experiment that was conducted (paragraph 0116). The table stores information identifying an advertisement, the prior distribution of the advertisement, the click rate (as a percentage), and the posterior distribution of the advertisement. This table of SRINIVASAN et al. in no way relates to determining that the at least one advertisement has been spammed when an actual percentage of non-malicious users selecting the at least one advertisement during the time period is lower than the estimated percentage of non-malicious users selecting the at least one advertisement during the time period, as recited in claim 14. In fact, the entire SRINIVASAN et al. disclosure does not relate to determining spamming of advertisements.

Paragraph 0029 of MASON et al. is reproduced above. This section of MASON et al. discloses that computing devices can substitute a more successful advertising banner for a less successful advertising banner according to one or more predetermined criteria, such as the number of click-throughs. This section of MASON et al. in no way discloses or suggests determining that the at least one advertisement has been spammed when an actual percentage of non-malicious users selecting the at least one advertisement

during the time period is lower than the estimated percentage of non-malicious users selecting the at least one advertisement during the time period, as recited in claim 14. In fact, this section of MASON et al. does not even relate to determining whether an advertisement has been spammed.

In response to the above arguments, the Examiner alleges:

MASON et al. discloses where it is found that a soup advertisement is receiving more click-throughs in the late afternoon and ads for a financial services firm are receiving more click-throughs early in the morning, and then the placement of those particular ads can be modified in order to maximize the number of click-throughs for the advertisers.

Applicants submit that this allegation by the Examiner, regarding alleged teachings of MASON et al., does not address Applicants' arguments presented above with respect to claim 14 or even relate to the above feature of claim 14.

For at least these additional reasons, Applicants submit that claim 14 is patentable over SRINIVASAN et al. and MASON et al., whether taken alone or in any reasonable combination. Thus, Applicants respectfully request that the rejection of claim 14 under 35 U.S.C. § 103(a) based on SRINIVASAN et al. and MASON et al. be reconsidered and withdrawn.

Independent claim 16, as amended, recites features similar to (yet possibly of different scope than) features described above with respect to claim 1. Therefore, Applicants submit that claim 16 is patentable over SRINIVASAN et al. and MASON et al., whether taken alone or in any reasonable combination, for at least reasons similar to reasons given above with respect to claim 1. Applicants respectfully request that the

rejection of claim 16 under 35 U.S.C. § 103(a) based on SRINIVASAN et al. and MASON et al. be reconsidered and withdrawn.

Independent claim 17, as amended, is directed to a computer-readable memory device containing instructions for controlling at least one processor to perform a method for detecting click spamming of an advertisement on a server. The method includes determining a number of non-malicious users accessing the server; determining a percentage of the non-malicious users clicking the advertisement when the advertisement is provided to the non-malicious users; and determining whether the advertisement has been click spammed based at least in part on the determined percentage. SRINIVASAN et al. and MASON et al., whether taken alone or in any reasonable combination, do not disclose or suggest this combination of features.

At the outset, Applicants note that the Examiner appears to rely on SRINIVASAN et al. for allegedly disclosing all of the features of claim 17. The Examiner merely relies on MASON et al. for allegedly disclosing a feature of claim 17 on which the Examiner also relies on SRINIVASAN et al. for disclosing. Thus, the Examiner appears to allege that SRINIVASAN et al. anticipates claim 17. Applicants respectfully submit that the rejection of claim 17 under 35 U.S.C. § 103(a) based on SRINIVASAN et al. and MASON et al. appears to be improper. Clarification of the grounds of rejection of claim 17 is respectfully requested.

SRINIVASAN et al. and MASON et al. do not disclose or suggest determining whether the advertisement has been click spammed based at least in part on the determined percentage of non-malicious users clicking the advertisement when the

advertisement is provided to the non-malicious users, as recited in claim 17. The Examiner relies on paragraph 0112 and Table 1 of SRINIVASAN et al. and on paragraph 0029 of MASON et al. as allegedly disclosing "determining whether the advertisement has been click spammed based at least in part on the determined percentage of real users clicking the advertisement when the advertisement is provided to the real users" (final Office Action, p. 6). Applicants respectfully submit that the above sections of SRINIVASAN et al. and MASON et al. do not disclose or suggest determining whether the advertisement has been click spammed based at least in part on the determined percentage of non-malicious users clicking the advertisement when the advertisement is provided to the non-malicious users, as recited in claim 17, as amended.

At paragraph 0112, SRINIVASAN et al. discloses:

In one embodiment, the inventive system is programmed to automatically delete a particularly ineffective advertisement. In this case, if the measured effectiveness of an advertisement does not meet a minimum threshold at 470, it is deleted from the advertisements to be shown at step 475.

This section of SRINIVASAN et al. discloses that a particularly ineffective advertisement can be automatically deleted. This section of SRINIVASAN et al. does not relate to determining whether an advertisement has been click spammed. Thus, this section of SRINIVASAN et al. cannot disclose or suggest determining whether the advertisement has been click spammed based at least in part on the determined percentage of non-malicious users clicking the advertisement when the advertisement is provided to the non-malicious users, as recited in claim 17.

Table 1 of SRINIVASAN et al. includes the results of a first iteration of an experiment that was conducted (paragraph 0116). This table of SRINIVASAN et al. in

no way discloses or suggests determining whether the advertisement has been click spammed based at least in part on the determined percentage of non-malicious users clicking the advertisement when the advertisement is provided to the non-malicious users, as recited in claim 17, as amended. In fact, the entire SRINIVASAN et al. disclosure does not relate to determining whether an advertisement has been click spammed.

Paragraph 0029 of MASON et al. is reproduced above. This section of MASON et al. discloses that computing devices can substitute a more successful advertising banner for a less successful advertising banner according to one or more predetermined criteria, such as the number of click-throughs. This section of MASON et al. does not disclose or suggest determining whether the advertisement has been click spammed based at least in part on the determined percentage of non-malicious users clicking the advertisement when the advertisement is provided to the non-malicious users, as recited in claim 17, as amended. In fact, this section of MASON et al. in no way relates to determining whether an advertisement has been click spammed.

For at least the foregoing reasons, Applicants submit that claim 17 is patentable over SRINIVASAN et al. and MASON et al., whether taken alone or in any reasonable combination. Thus, Applicants respectfully request that the rejection of claim 17 under 35 U.S.C. § 103(a) based on SRINIVASAN et al. and MASON et al. be reconsidered and withdrawn.

Independent claim 18, as amended, recites features similar to (yet possibly of different scope than) features described above with respect to claim 17. Therefore,

Applicants submit that claim 18 is patentable over SRINIVASAN et al. and MASON et al., whether taken alone or in any reasonable combination, for at least reasons similar to reasons given above with respect to claim 17. Applicants respectfully request that the rejection of claim 18 under 35 U.S.C. § 103(a) based on SRINIVASAN et al. and MASON et al. be reconsidered and withdrawn.

Independent claims 19, 29, and 30 recite features similar to (yet possibly of different scope than) features described above with respect to claims 1 and 12. Therefore, Applicants submit that claims 19, 29, and 30 are patentable over SRINIVASAN et al. and MASON et al., whether taken alone or in any reasonable combination, for at least reasons similar to reasons given above with respect to claims 1 and 12. Applicants respectfully request that the rejection of claim 19, 29, and 30 under 35 U.S.C. § 103(a) based on SRINIVASAN et al. and MASON et al. be reconsidered and withdrawn.

Claims 20, 21, and 23-28 depend from claim 19. Therefore, these claims are patentable over SRINIVASAN et al. and MASON et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 19.

*Rejection under 35 U.S.C. § 103(a) based on SRINIVASAN et al.,  
MASON et al., MESSER, and ISHIKAWA*

Claims 2-10, 15, 22, and 31 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over SRINIVASAN et al. in view of MASON et al., and further in view of MESSER, and still further in view of ISHIKAWA. Applicants respectfully traverse this rejection.

Claims 2-10 and 15 depend from claim 1. While not agreeing with the Examiner's allegations regarding claims 2-10 and 15, Applicants submit that the disclosures of MESSER and ISHIKAWA do not remedy the deficiencies in the disclosures of SRINIVASAN et al. and MASON et al. set forth above with respect to claim 1. Therefore, these claims are patentable over SRINIVASAN et al., MASON et al., MESSER, and ISHIKAWA, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Moreover, these claims are patentable over SRINIVASAN et al., MASON et al., MESSER, and ISHIKAWA for reasons of their own.

For example, claim 3, as amended, recites that tracking activities of the group of users visiting the web site includes determining whether the users in the group of users load images. The Examiner appears to admit that SRINIVASAN et al., MASON et al., and MESSER do not disclose that "the tracking activities includes: determining whether the users load images" and relies on paragraph 0015 of ISHIKAWA for allegedly disclosing "the tracking activities includes: determining whether the users load images" (final Office Action, p. 15). Applicants respectfully submit that neither this section nor any other section of ISHIKAWA discloses or suggests the above feature of claim 3, as amended.

At the outset, Applicants submit that the rejection of claim 3 is improper. Claim 3 depends from claim 2. The Examiner appears to rely on SRINIVASAN et al. and MASON et al. for allegedly disclosing the feature of claim 2. With respect to claim 3, the Examiner relies on ISHIKAWA. The Examiner does not rely on MESSER in the

rejection of claim 2 or claim 3. Thus, the rejection of claim 3 under 35 U.S.C. § 103(a) based on SRINIVASAN et al., MASON et al., MESSER, and ISHIKAWA is improper.

Nevertheless, at paragraph 0015, ISHIKAWA discloses:

When an advertising link is loaded onto a user's computer, a confirmation code is generated. If the user chooses to access the advertised materials, for example, the web page being advertised, the user clicks on the advertising link and is transmitted to the merchant's web site. As the user is transmitted to the merchant's web page, current user information generated in accordance with standard transmission protocols and the confirmation code are also transmitted.

This section of ISHIKAWA discloses that a confirmation code is generated when an advertising link is loaded onto a user's computer. This section of ISHIKAWA does not relate to tracking activities of a group of users visiting a web site. ISHIKAWA's disclosure of an advertising link being loaded onto a user's computer is not equivalent to tracking activities of a group of users visiting a web site that includes determining whether the users in the group of users load images, as recited in claim 3, as amended.

In response to the above arguments, the Examiner alleges that loading an image from advertisements is well known (final Office Action, p. 21). Applicants submit that this allegation does not address the specifically recited feature of claim 3. Claim 3 does not recite loading an image from advertisements. Instead, claim 3, as amended, specifically recites that tracking activities of the group of users visiting the web site includes determining whether the users in the group of users load images. The Examiner's allegation does not address this feature or explain why one skilled in the art would reasonably construe the above section of ISHIKAWA as allegedly disclosing this feature.



For at least these additional reasons, Applicants submit that claim 3 is patentable over SRINIVASAN et al., MASON et al., MESSER, and ISHIKAWA, whether taken alone or in any reasonable combination. Thus, Applicants respectfully request that the rejection of claim 3 under 35 U.S.C. § 103(a) based on SRINIVASAN et al., MASON et al., MESSER, and ISHIKAWA be reconsidered and withdrawn.

Claim 4 recites that tracking activities of the group of users visiting the web site includes determining whether the users have javascript turned on. The Examiner appears to admit that SRINIVASAN et al. and MASON et al. do not disclose that "tracking activities of users visiting a web site includes: determining whether the users have javascript turned on" and relies on paragraph 0037 of MESSER for allegedly disclosing "tracking activities of users visiting a web site includes: determining whether the users have javascript turned on" (final Office Action, p. 15). Applicants respectfully submit that neither this section nor any other section of MESSER discloses or suggests the above feature of claim 4, as amended.

At the outset, Applicants submit that the rejection of claim 4 is improper. Claim 4 depends from claim 2. The Examiner appears to rely on SRINIVASAN et al. and MASON et al. for allegedly disclosing the feature of claim 2. With respect to claim 4, the Examiner relies on MESSER. The Examiner does not rely on ISHIKAWA in the rejection of claim 2 or claim 4. Thus, the rejection of claim 4 under 35 U.S.C. § 103(a) based on SRINIVASAN et al., MASON et al., MESSER, and ISHIKAWA is improper.

Nevertheless, at paragraph 0037, MESSER discloses:

At Test 230, the scanned page is examined to determine if Javascript exists within the page content. Javascript may be used to produce a click-

loop process, wherein the promotion linking codes are repeatedly triggered by the Javascript commands. This would create the illusion of many clicks on the promotion by users. However, these clicks would have telltale signs, such as originating from the same IP address, identical patterns, time intervals, and the like. A positive detection branches logic to the next Test, 240 for detecting the existence of the Javascript in association with the promotion vehicle, e.g., a banner ad. If this test is also positive, the system generates a report, positively identifying the page as a potential source of click fraud, block 250. Logic then continues at 260.

This section of MESSER discloses determining if javascript exists within a web page.

This section of MESSER does not relate to tracking activities of a group of users visiting a web site. Moreover, this section of MESSER does not disclose or suggest determining whether the users in the group of users visiting a web site have javascript turned on, as recited in claim 4. MESSER's disclosure of determining if javascript exists within a web page is not equivalent to tracking activities of a group of users visiting the web site, which includes determining whether the users in the group of users have javascript turned on, as recited in claim 4, as amended.

In response to the above arguments, the Examiner alleges:

Messer discloses that merchant's may build commerce tracking links recognizable by the Clearinghouse through programming residing on the Clearinghouse server. Specifically, a URL for a product offered on the Merchant site is copied to the clipboard of the computer. A specific web page on the Clearinghouse server is then accessed and the product URL on the clipboard is "pasted" on the designated location of the page. In addition, the Merchant can copy and paste images relating to the product, or alternatively type in descriptive information in the designated fields of the Clearinghouse web page dedicated to link creation. Once the specific information is placed, the Clearinghouse server, via Javascript, generates the operative link, including all parameters necessary to implement commerce tracking. This is accomplished via a stored database on the Clearinghouse server comprising the input/output link conversion criteria for each Merchant associated with the Clearinghouse. In additional, Messer discloses in Paragraph [0037] the scanned page is examined to

determine if Javascript exists (here same as Javascript turned on) within the page content

(emphasis in original)(final Office Action, pp. 21-22). Applicants submit that these allegations by the Examiner, regarding alleged teachings of MESSER, do not address Applicants' arguments presented above with respect to claim 4 or even relate to the above feature of claim 4. Moreover, contrary to the Examiner's apparent allegation, examining a scanned page to determine if javascript exists is in no way equivalent to determining whether the users in the group of users have javascript turned on. The Examiner appears to allege that MESSER's scanned page is equivalent to users in a group of users visiting a web site. Clearly, the Examiner's allegation is unreasonable.

For at least these additional reasons, Applicants submit that claim 4 is patentable over SRINIVASAN et al., MASON et al., MESSER, and ISHIKAWA, whether taken alone or in any reasonable combination. Thus, Applicants respectfully request that the rejection of claim 4 under 35 U.S.C. § 103(a) based on SRINIVASAN et al., MASON et al., MESSER, and ISHIKAWA be reconsidered and withdrawn.

Claim 5 recites that tracking activities of the group of users visiting the web site includes determining a type of browser used by the users in the group of users. The Examiner appears to rely on SRINIVASAN et al.'s disclosure of a cookie as allegedly disclosing that "the tracking activities includes: determining a type of browser used by the users" (final Office Action, p. 14). Applicants respectfully submit that neither this section nor any other section of SRINIVASAN et al. discloses or suggests that above feature of claim 5, as amended.

At the outset, Applicants submit that the rejection of claim 5 is improper. Claim 5 depends from claim 2. The Examiner appears to rely on SRINIVASAN et al. and MASON et al. for allegedly disclosing the feature of claim 2. With respect to claim 5, the Examiner relies on SRINIVASAN et al. The Examiner does not rely on MESSER or ISHIKAWA in the rejection of claim 2 or claim 5. Thus, the rejection of claim 5 under 35 U.S.C. § 103(a) based on SRINIVASAN et al., MASON et al., MESSER, and ISHIKAWA is improper.

Nevertheless, SRINIVASAN et al. only discloses a cookie in paragraph 0049. At paragraph 0049, SRINIVASAN et al. discloses:

Once the customer has accessed the eCommerce website, he may receive information such as banner advertisement or similar ad content from the website. The request sent by the browser might include information specific to the customer using the browser. Such information may include, for example, information derived from user logins, cookies stored on the user's machine and through the user's IP address. In addition, the customer may be presented with advertisements, and whether the customer clicks on any of the advertisements may be passed from the browser to the website with the request.

This section of SRINIVASAN et al. discloses that a request sent by a browser (which appears to be a request for a web page) might include information that is specific to the customer, such as information derived from user logins, cookies stored on the user's machine and through the user's IP address. SRINIVASAN et al.'s disclosure of sending cookies stored on a user's machine with a request for a web page is in no way equivalent to tracking activities of a group of users visiting a web site, which includes determining a type of browser used by the users in the group of users, as recited in claim 5, as amended.

In response to the above arguments, the Examiner once again describes alleged teachings of SRINIVASAN et al., which do not address Applicants' arguments with respect to claim 5 or even relate to the above feature of claim 5.

The disclosures of MASON et al., MESSER, and ISHIKAWA do not remedy the above deficiency in the disclosure of SRINIVASAN et al.

For at least these additional reasons, Applicants submit that claim 5 is patentable over SRINIVASAN et al., MASON et al., MESSER, and ISHIKAWA, whether taken alone or in any reasonable combination. Thus, Applicants respectfully request that the rejection of claim 5 under 35 U.S.C. § 103(a) based on SRINIVASAN et al., MASON et al., MESSER, and ISHIKAWA be reconsidered and withdrawn.

Claim 6, as amended, recites that tracking activities of a group of users visiting a web site includes determining an interval at which each of the users in the group of users visits the web site. The Examiner relies on paragraph 0096 of SRINIVASAN et al. for allegedly disclosing that "the tracking activities includes: determining an interval at which each of the users visits the web site" (final Office Action, p. 14). Applicants respectfully submit that neither this section nor any other section of SRINIVASAN et al. discloses or suggests that above feature of claim 6, as amended.

At the outset, Applicants submit that the rejection of claim 6 is improper. Claim 6 depends from claim 2. The Examiner appears to rely on SRINIVASAN et al. and MASON et al. for allegedly disclosing the feature of claim 2. With respect to claim 6, the Examiner relies on SRINIVASAN et al. The Examiner does not rely on MESSER or ISHIKAWA in the rejection of claim 2 or claim 6. Thus, the rejection of claim 6 under

35 U.S.C. § 103(a) based on SRINIVASAN et al., MASON et al., MESSER, and ISHIKAWA is improper.

Nevertheless, at paragraph 0096, SRINIVASAN et al. discloses:

The number of website visitors to sample for each advertisement is also determined. This may be an absolute number of visitors to be randomly presented with each advertisement. Alternatively, a time interval over which testing is to be performed may be defined, and the visitors who visit the website during that period become the population. Appropriate random samples drawn from this population will be exposed to different ads.

This paragraph of SRINIVASAN et al. discloses determining the number of visitors to sample for each advertisement. This disclosure of SRINIVASAN et al. is in no way equivalent to tracking activities of a group of users visiting a web site, which includes determining an interval at which each of the users in the group of users visits the web site, as recited in claim 6, as amended.

In response to the above arguments, the Examiner alleges:

SRINIVASAN et al. discloses the Internet merchant employee may specify whether the system is to conduct continuous sampling, or sample at large discrete intervals. Alternatively, a time interval over which testing is to be performed may be defined, and the visitors who visit the website during that period become the population

(final Office Action, p. 24). Applicants submit that these allegations by the Examiner, regarding alleged teachings of SRINIVASAN et al., do not address Applicants' arguments presented above with respect to claim 6 or even relate to the above feature of claim 6.

The disclosures of MASON et al., MESSER, and ISHIKAWA do not remedy the above deficiency in the disclosure of SRINIVASAN et al.

For at least these additional reasons, Applicants submit that claim 6 is patentable over SRINIVASAN et al., MASON et al., MESSER, and ISHIKAWA, whether taken alone or in any reasonable combination. Thus, Applicants respectfully request that the rejection of claim 6 under 35 U.S.C. § 103(a) based on SRINIVASAN et al., MASON et al., MESSER, and ISHIKAWA be reconsidered and withdrawn.

Claim 22 depends from claim 19. While not agreeing with the Examiner's allegations with respect to claim 22, Applicants submit that the disclosures of MESSER and ISHIKAWA do not remedy the deficiencies in the disclosures of SRINIVASAN et al. and MASON et al. set forth above with respect to claim 19. Therefore, this claim is patentable over SRINIVASAN et al., MASON et al., MESSER, and ISHIKAWA, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 19.

Independent claim 31 is directed to a method that includes tracking activities of users visiting a web site, where the tracking includes determining, for each user, at least one of whether the user loads images, an age of a cookie associated with each user, whether the user has javascript turned on, a type of browser used by the user, or an interval at which the user visits the web site; and identifying non-malicious users from the users visiting the web site based at least in part on the tracked activities. SRINIVASAN et al., MASON et al., MESSER, and ISHIKAWA, whether taken alone or in any reasonable combination, do not disclose or suggest this combination of features.

For example, SRINIVASAN et al., MASON et al., MESSER, and ISHIKAWA do not disclose or suggest identifying non-malicious users from the users visiting the web

site based at least in part on tracking activities of users, where the tracking activities includes determining, for each user, at least one of whether the user loads images, an age of a cookie associated with each user, whether the user has javascript turned on, a type of browser used by the user, or an interval at which the user visits the web site, for at least reasons similar to reasons given above with respect to claims 1-6.

For at least these reasons claim 31 is patentable over SRINIVASAN et al., MASON et al., MESSER, and ISHIKAWA, whether taken alone or in any reasonable combination. Thus, Applicants respectfully request that the rejection of claim 31 under 35 U.S.C. § 103(a) based on SRINIVASAN et al., MASON et al., MESSER, and ISHIKAWA be reconsidered and withdrawn.

*New claims*

New claims 32 and 33 depend from claim 16. Therefore, these claims are patentable over the art of record for at least the reasons given above with respect to claim 16.

New claims 34 and 35 depend from claim 17. Therefore, these claims are patentable over the art of record for at least the reasons given above with respect to claim 17.

New claims 36 and 37 depend from claim 18. Therefore, these claims are patentable over the art of record for at least the reasons given above with respect to claim 18.



New claims 38 and 39 depend from claim 29. Therefore, these claims are patentable over the art of record for at least the reasons given above with respect to claim 29.

New claims 40 and 41 depend from claim 30. Therefore, these claims are patentable over the art of record for at least the reasons given above with respect to claim 30.

New claims 42 and 43 depend from claim 31. Therefore, these claims are patentable over the art of record for at least the reasons given above with respect to claim 31.

### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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